



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/825,171

04/16/2004

Terrence Martineau

ALC 3129

8266

7590 01/20/2010
KRAMER & AMADO, P.C.
Suite 240
1725 Duke Street
Alexandria, VA 22314

EXAMINER

TERMANINI, SAMIR

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

01/20/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/825,171 | Applicant(s) MARTINEAU ET AL. | |
| | Examiner Samir Termanini | Art Unit 2179 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

BACKGROUND

1. This Office Action is responsive to the following communications: Pre-Brief Appeal Conference decision (mail dated: 11/2/2009).
2. 1, 4-6 and 9-18 are pending in this case. Claims 1, 6, and 11-12 are in independent form. Claims 2-3 and 7-8 are canceled.
3. Applicants have amended the Specification at para. [0076], [0097], [0101] [0104], [0105], [0113], and [119].
4. A conference has been held in response to the Pre-Appeal Brief Request for Review filed 10/14/2009. Accordingly, the previous Non-Final Action (mail dated: 8/17/09) is hereby withdrawn. The rejections in this Office action are summarized as follows :

- (1) **Claims 1, 4, 6, 9, and 11-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dovin et al.* (US Pg-Pub 2003/0018665 A1) in view of *Beier (Oracle Browser Look and Feel (BLAF) Guidelines*; Last Updated: 06/25/02; Betsy Beier, Craig Louis; Spec Version, 3.1) and *Hoelzle et al.* (US ,7421,432 B1); and
- (2) **Claims 5 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dovin et al.* (US Pg-Pub 2003/0018665 A1) in view of *Beier (Oracle Browser Look and Feel (BLAF) Guidelines*; Last Updated: 06/25/02; Betsy Beier, Craig Louis; Spec Version, 3.1) and *Hoelzle et al.* (US ,7421,432 B1) as applied to their parent claims (1 & 6, respectively) and further in view of *Milic-Frayling et al.* (US Pg-Pub 2005/0132018 A1).

CLAIM REJECTIONS-35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2179

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1, 4, 6, 9, and 11-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dovin et al.* (US Pg-Pub 2003/0018665 A1) in view of *Beier (Oracle Browser Look and Feel (BLAF) Guidelines*; Last Updated: 06/25/02; Betsy Beier, Craig Louis; Spec Version, 3.1) and *Hoelzle et al.* (US ,7421,432 B1).

As to independent **claim 1**, *Dovin et al.* describe(s): a method of presenting network object hierarchy information in a network management tool ("...a user of client 104 utilizes the web browser 106 for transmitting a request for a web page 108, which is identified by a Uniform Resource Locator (i.e., "URL"), over the communications network 102 to web server 114....," para. [0029]), the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower

Art Unit: 2179

categories through to a final web page, i.e., displaying links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation....," para. [0004]), the method comprising the steps of: displaying status information of a displayed network object on a terminal ("...The displayed web page 510 ...," para. [0042]), the displayed network object having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website ...," para. [0004]); displaying an ordered series of a plurality of buttons on the terminal ("...breadcrumb navigation trail 514 ...," para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object ("...since the last page represents a web page that is currently displayed....," para. [0005]), the series including at least a displayed network object button corresponding to the displayed network object ("...storing breadcrumbs associated with web pages downloaded to the web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....," para. [0015]); displayed network object, the series further including a root button corresponding to a root object of the hierarchy; when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, ("...If desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears ...," para. [0030]) and designating a new displayed network object by selecting a network

Art Unit: 2179

object displayed in the status information or by selecting a button ("...the current web page ...," para. [0032]).

Dovin et al. differ from claim 1 because do not clearly show displaying on each button at least a portion of a label indicating the corresponding network object.

However, *Beier* teach displaying on each button at least a portion of a label indicating the corresponding network object ("...truncation applied to individual breadcrumb links within trail." p. 4).

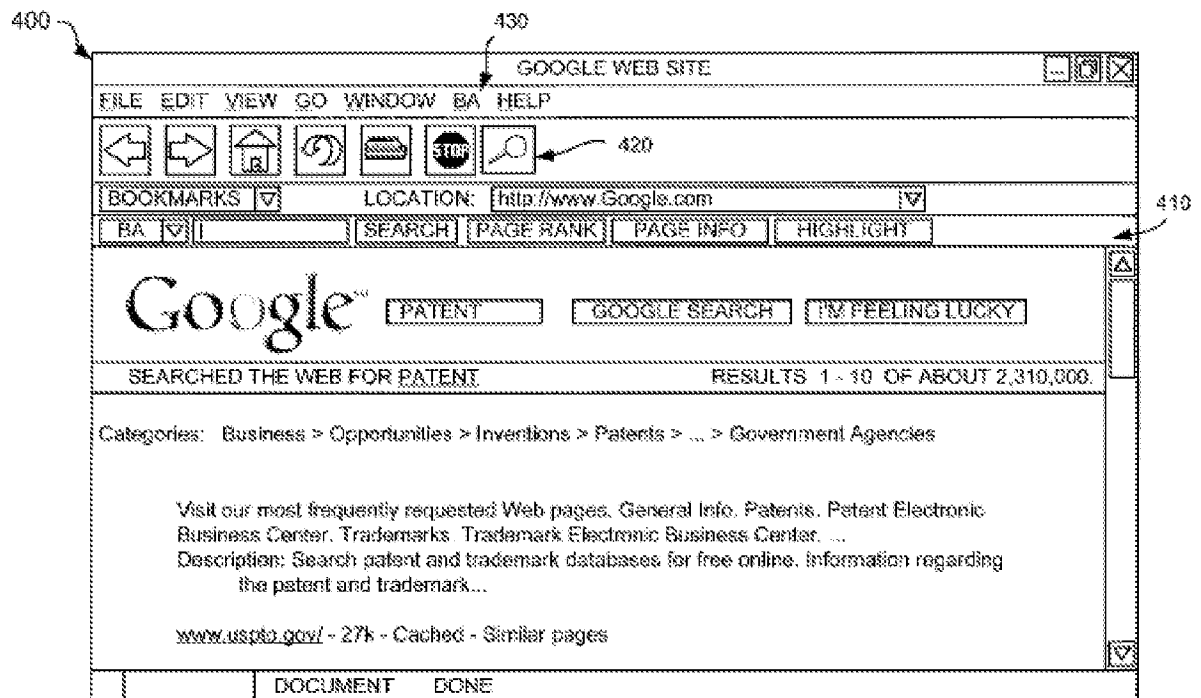
It would have been obvious to one ordinary skill in the relevant field at the time the invention was made to truncate, as taught by *Beier* the number of buttons and their labels taught in *Dovin et al.* because *Beier* identify that a variety of suitable equivalents¹ for truncating the same type of breadcrumbs ("Breadcrumb links are comprised of the links of previous pages in the application hierarchy, and a link representing the current viewable page. Because it is important for the hierarchy of visited pages to remain clear, truncation is not applied to the complete trail as a unit. If necessary, truncation may be applied to the individual breadcrumb links within the trail. Truncation is applied to individual breadcrumb links within the complete breadcrumb trail." p. 4) taught by *Dovin et al.*

The combination of *Dovin et al.* and *Beier* differ from claim 1 because, in combination, do not specifically teach displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive.

¹ "[I]n *Sakraida v. AG Pro, Inc.*,...the Court derived from the precedents the conclusion that when a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious." *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727, 82 USPQ2d at 1395-96 (internal quotation omitted).

Art Unit: 2179

However, *Hoelzle et al.* teach displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive (see e.g. “patents> ... >Government agencies”, figure 4):

**FIG. 4**

It would have been obvious to one ordinary skill in the relevant field at the time the invention was made to display a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive, as taught by *Hoelzle et al.* because *Hoelzle et al.* specifically disclose the same breadcrumb trails disclosed by *Dovin et al.* and *Beier* including a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive (see Figure 4, above).

Art Unit: 2179

As to dependent **claim 4**, which depends from claim 1, *Dovin et al.* further disclose the method of claim 3 wherein the buttons are arranged along a horizontal row above the status information ("...across the top of the web page running from the left margin to the right margin....," para. [0004]), with the root button at the left and the displayed network object button at the right ("...a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]). See also Fig. 5, reproduced below.

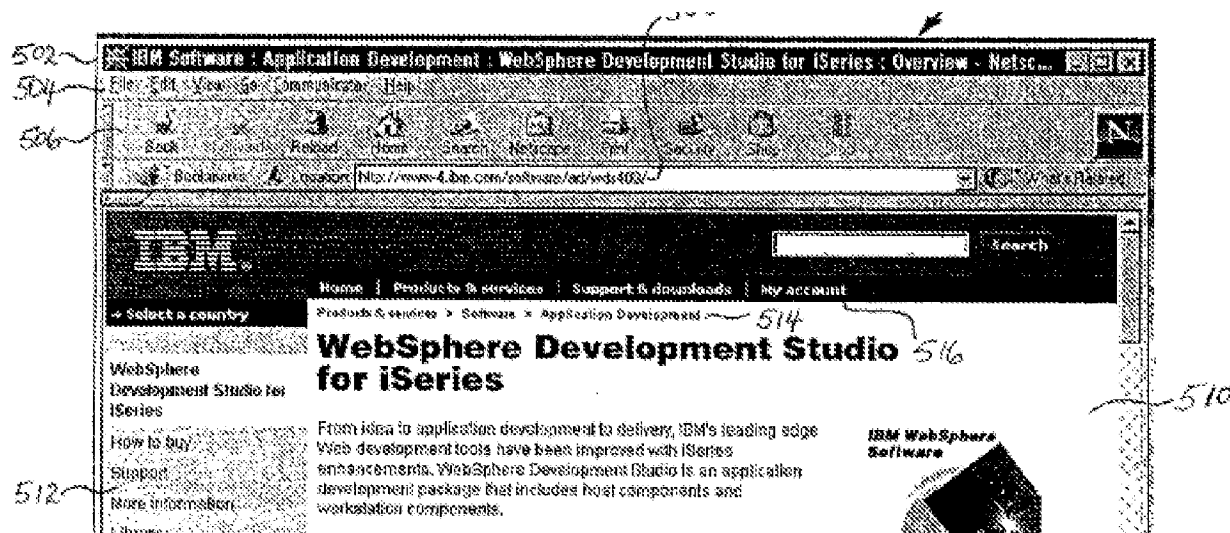


Fig.5

As to **claims 6 and 9**, these claims differ from claims 1 and 4, respectively, only in that they are directed to products defined by the processes of claims 1 and 4, respectively. Accordingly, claims 6–9 are rejected for the same reasons set forth in the treatment of claims 1 and 4, respectively.

As to independent **claim 11**, *Dovin et al.* describe(s): a method of presenting network object hierarchy information in a network management tool ("...a user of client 104 utilizes the web browser 106 for transmitting a request for a web page 108, which is identified by a Uniform Resource Locator (i.e., "URL"), over the communications network 102 to web server 114....,"

Art Unit: 2179

para. [0029]), the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower categories through to a final web page, i.e., displaying links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation....," para. [0004]), the method comprising the steps of: displaying status information of a displayed, network object on a terminal, the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website ...," para. [0004]); displaying an ordered series of a plurality of buttons on the terminal ("...The displayed web page 510 ...," para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object ("...since the last page represents a web page that is currently displayed....," para. [0005]), the series including at least a displayed network object button corresponding to the displayed network object ("...storing breadcrumbs associated with web pages downloaded to the web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....," para. [0015]); corresponding to the displayed network object, the series further including a root button corresponding to a root object of the hierarchy; instructions for determining when the number of network objects within the hierarchy between the root object and the displayed network object,

Art Unit: 2179

inclusive, exceeds a maximum number of buttons displayable on the terminal, ,("...If desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears ..., " para. [0030]) and displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive ("subtracting the last visit date and time from the current date and time and determining whether this result is greater than the revisit time. If the result is greater than the revisit time, the user is prompted at step 410 regarding whether the user would like to resume navigation according to the generated client-side breadcrumb navigation trail from the last visit., " para. [0040]; "...a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]) displaying on each button an icon representing a type of equipment of the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded web page....," para. [0014]); and designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button ("...the current web page ..., " para. [0032]); and designating a new displayed network object by performing an action selected from the group consisting of selecting a network object displayed in the status information and selecting a button ("...the current web page ..., " para. [0032]).

As to independent **claim 12**, *Dovin et al.* describe(s): a method of presenting network object hierarchy information in a network management tool, the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower categories through to a final web page, i.e., displaying

Art Unit: 2179

links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation....," para. [0004]), the method comprising the steps of: displaying status information of a displayed network object on a terminal ("...The displayed web page 510 ...," para. [0042]), the displayed network object corresponding to equipment and having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website ...," para. [0004]); displaying an ordered series of a plurality of buttons on the terminal ("...breadcrumb navigation trail 514 ...," para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position. Within the hierarchy of the corresponding network object, the series including at least a displayed network object button corresponding to root object of the hierarchy

“...storing breadcrumbs associated with web pages downloaded to the web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....,"

(para. [0015]); when the number of network objects within the hierarchy between the root object and the displayed network object, inclusive, exceeds a maximum number of buttons displayable on the terminal, ,("...If desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears ...," para. [0030]) and displaying on each button an icon representing the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded web page....," para. [0014]); and designating a new displayed network object by performing an action selected from the group

Art Unit: 2179

consisting of selecting a network object displayed in the status information and selecting a button ("...the current web page ...," para. [0032]).

Dovin et al. differ from claim 1 because do not clearly show displaying on each button at least a portion of a label indicating the corresponding network object.

However, *Beier* teach displaying on each button at least a portion of a label indicating the corresponding network object ("...truncation applied to individual breadcrumb links within trail." p. 4).

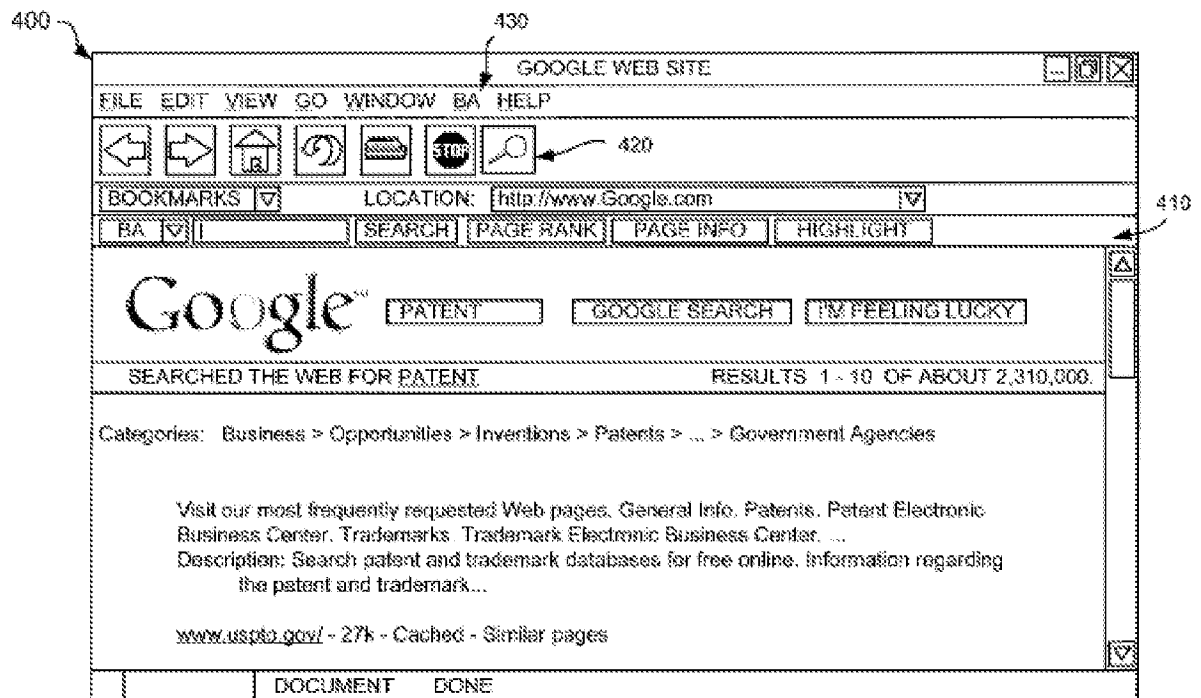
It would have been obvious to one ordinary skill in the relevant field at the time the invention was made to truncate, as taught by *Beier* the number of buttons and their labels taught in *Dovin et al.* because *Beier* identify that a variety of suitable equivalents² for truncating the same type of breadcrumbs ("Breadcrumb links are comprised of the links of previous pages in the application hierarchy, and a link representing the current viewable page. Because it is important for the hierarchy of visited pages to remain clear, truncation is not applied to the complete trail as a unit. If necessary, truncation may be applied to the individual breadcrumb links within the trail. Truncation is applied to individual breadcrumb links within the complete breadcrumb trail." p. 4) taught by *Dovin et al.*

The combination of *Dovin et al.* and *Beier* differ from claim 1 because, in combination, do not specifically teach displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive.

² "[I]n *Sakraida v. AG Pro, Inc.*,...the Court derived from the precedents the conclusion that when a patent simply arranges old elements with each performing the same function it had been known to perform and yields no more than one would expect from such an arrangement, the combination is obvious." *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727, 82 USPQ2d at 1395-96 (internal quotation omitted).

Art Unit: 2179

However, *Hoelzle et al.* teach displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive (see e.g. “patents> ... >Government agencies”, figure 4):

**FIG. 4**

It would have been obvious to one ordinary skill in the relevant field at the time the invention was made to display a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive, as taught by *Hoelzle et al.* because *Hoelzle et al.* specifically disclose the same breadcrumb trails disclosed by *Dovin et al.* and *Beier* including a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive (see Figure 4, above).

Art Unit: 2179

As to dependent **claim 13**, *Dovin et al.* describe(s): method of claim 12, wherein each icon is selected from the group consisting of a horizontally pointing arrow and a vertically pointing arrow (See figure 5).

As to dependent **claim 14**, *Dovin et al.* describe the method of claim 12, wherein a respective icon is rotated to indicate that the corresponding network object is the displayed network object (See rotated icon on the upper left hand side of figure 5).

As to dependent **claims 15 and 17**, *Dovin et al.* further disclose that the buttons displayed include the root button, the displayed network object button, and buttons corresponding to network objects progressively higher in the hierarchy than the displayed network object:

For example, the following links represent breadcrumb navigation from a parent web page to a plurality of subsequent web pages: "Home> Computers> Software> Internet> TCP/IP". In the foregoing example of breadcrumb navigation, a user is presented with all of the pages that the user has visited from the parent web page "Home" to the current child web page "TCP/IP" in the information space of the Website. It should be noted that all of the pages except the last page "TCP/IP" are HTML links, since the last page represents a web page that is currently displayed. If, for example, the user were to click on the "Computers" link, a child web page associated with this link would include the following breadcrumb navigation "Home>Computers". Thus, a user is enabled to traverse the visited web pages of a Website via the links atop each of the web pages by clicking on the appropriate link associated with a visited web page. Separators that distinguish one link from another generally include: ">", ".fwdarw.", "/" and the like.

(para. [0005]).

As to dependent **claims 16 and 18**, *Dovin et al.* further disclose that the buttons displayed include the root button ("...structure depicts all top levels of the Website ...," para. [0004]), the displayed network object button ("...client's web browser currently is displaying the web page 108...," para. [0038]), and buttons corresponding to network objects progressively higher in the

Art Unit: 2179

hierarchy than the displayed network object ("...the links are displayed in order from a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]).

7. **Claims 5 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dovin et al. (US Pg-Pub 2003/0018665 A1) in view of Beier (Oracle Browser Look and Feel (BLAF) Guidelines; Last Updated: 06/25/02; Betsy Beier, Craig Louis; Spec Version, 3.1) and Hoelzle et al. (US ,7421,432 B1) as applied to their parent claims (1 & 6, respectively) and further in view of Milic-Frayling et al. (US Pg-Pub 2005/0132018 A1).

As to dependent **claim 5**, which depends from claim 1, *Dovin et al.* taught a method of presenting network object hierarchy information in a network management tool ("...a user of client 104 utilizes the web browser 106 for transmitting a request for a web page 108, which is identified by a Uniform Resource Locator (i.e., "URL"), over the communications network 102 to web server 114....," para. [0029]), the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower categories through to a final web page, i.e., displaying links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation....," para. [0004]), the method comprising the steps of: displaying status information of a displayed network object on a terminal ("...The displayed web page 510 ..., " para. [0042]), the displayed network object having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website ..., "

Art Unit: 2179

para. [0004]); displaying an ordered series of a plurality of buttons on the terminal ("...breadcrumb navigation trail 514 ...," para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object ("...since the last page represents a web page that is currently displayed...," para. [0005]), the series including at least a displayed network object button corresponding to the displayed network object ("...storing breadcrumbs associated with web pages downloaded to the web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....," para. [0015]); displaying on each button at least a portion of a label indicating the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded web page...," para. [0014]); and designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button ("...the current web page ...," para. [0032]).

Dovin et al. do not clearly show the steps of monitoring for a position of a cursor on the terminal coinciding with a button for which only a portion of a label is displayed; and thereby causing the displaying of the label in its entirety.

However, *Beier* teach displaying on each button at least a portion of a label indicating the corresponding network object ("...truncation applied to individual breadcrumb links within trail." p. 4).

On the other hand, *Milic-Frayling et al.* disclose the monitoring for a position of a cursor on a terminal coinciding with a button for which, only a portion of a label is displayed ("the

Art Unit: 2179

pointer icon 606 is positioned over or near the identifier or icon for a specified length of time. Thus, hovering can occur when the pointer is adjacent to the identifier," para. [0057]); and while the position of the cursor coincides with a button for which only a portion of a label is displayed, displaying the label in its entirety:

A presenting operation 812 presents a thumbnail of the resource identified by the resource identifier over which the pointer icon was hovered. In one implementation of presenting operation 812 the thumbnail is retrieved from the navigation history data storage and displayed in the session overview. In an alternative implementation of the presenting operation 812 a cache of previously stored resources is searched for the selected resource. If the selected resource is found in the cache, the contents of the resource are presented in the thumbnail size browser window.

(para. [0082]).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the a cursor coinciding with a button to display more information about the button taught by *Milic-Frayling et al.* with the breadcrumb navigation bar of *Dovin et al.* because: (1) both teaching are in the same field of endeavor of presenting network object hierarchy information; (2) both teaching are directed to the same problem of showing breadcrumb navigation trails using bars; and (3) a person of ordinary skill in art pursue would have had good reason to pursue the known solutions enumerated in *Milic-Frayling et al* because they are predictable solutions³.

³ As clarified in *KSR*, it's now apparent "obvious to try" may be an appropriate test in more situations than we previously contemplated. When there is motivation: "...to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under §103." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

Specifically, *Milic-Frayling et al.* suggests the advantage and desirability of using the a cursor coinciding with a button to display more information about a button:

Furthermore, users are often confused by such long lists of identifiers because they are not context sensitive, i.e., they do not link the current user's experience or intention with the resources on the list. For example, if the user has recently visited resources A, B, and C, and the user decides to use History to revisit a previously seen resource M from the list, the display of the History typically does not provide an indication of the currently viewed resource, such as a 'you are here' pointer, (e.g., by highlighting the indicator of the currently viewed resource C or recently visited resources A, B, and C). The user cannot easily orientate himself or herself within the resource list and browse or search for the resource identifier. Thus, users frequently waste time searching through such lists. (para. [0006]).

See also Fig 6., reproduced below:

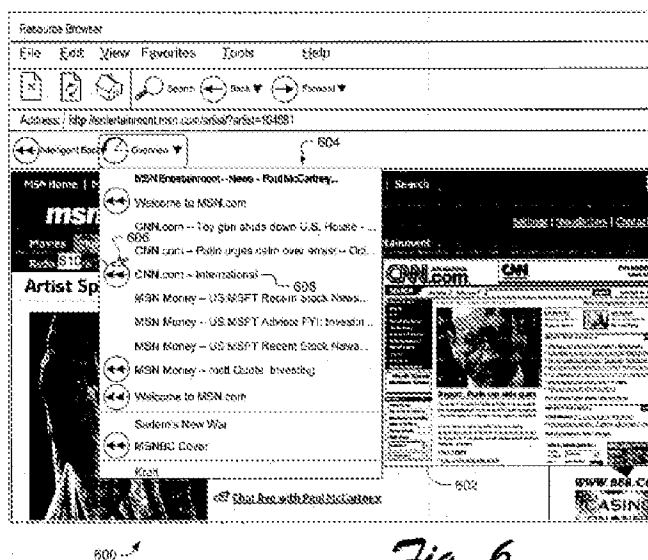


Fig. 6

Additionally, it would have been further obvious to one ordinary skill in the relevant field at the time the invention was made to truncate, as taught by *Beier* the number of buttons and their labels taught in *Dovin et al.* because Beier identify that a variety of suitable equivalents for

Art Unit: 2179

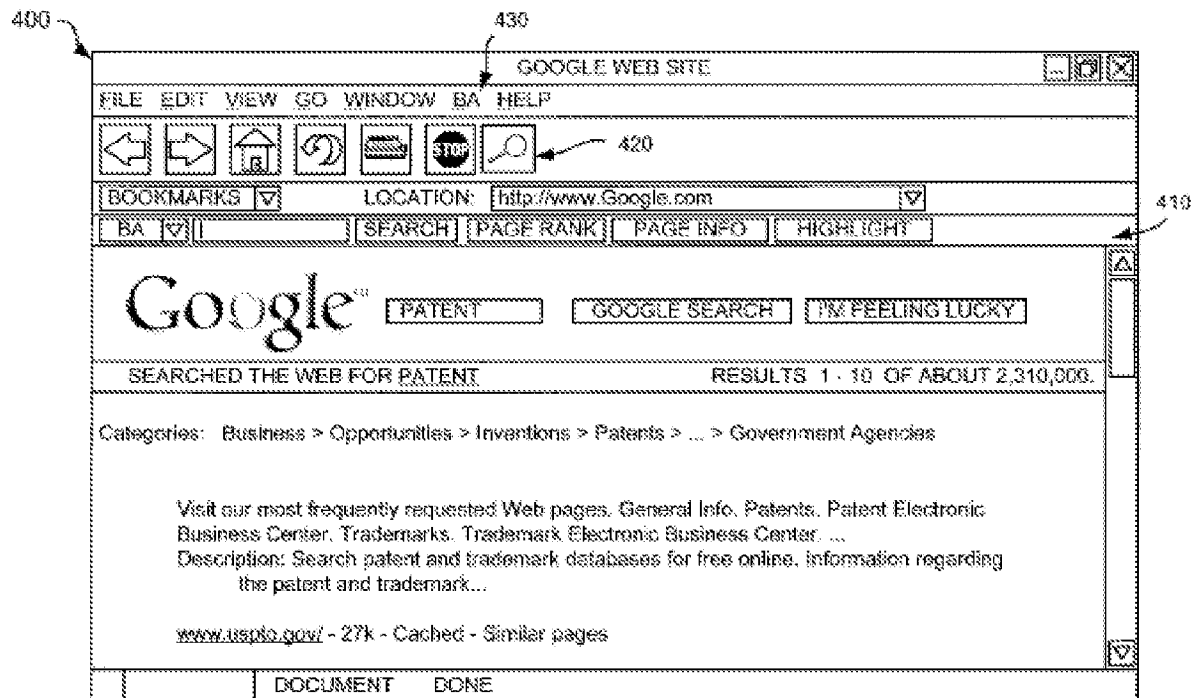
truncating the same type of breadcrumbs (“Breadcrumb links are comprised of the links of previous pages in the application hierarchy, and a link representing the current viewable page. Because it is important for the hierarchy of visited pages to remain clear, truncation is not applied to the complete trail as a unit. If necessary, truncation may be applied to the individual breadcrumb links within the trail. Truncation is applied to individual breadcrumb links within the complete breadcrumb trail.” p. 4) taught by *Dovin et al.*

Dovin et al. does not specifically teach displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive and displaying on each button at least a portion of a label indicating the corresponding network object.

The combination of *Dovin et al.*, *Beier* and *Milic-Frayling et al.* differ from claim 5 because, in combination, do not specifically teach displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive.

However, *Hoelzle et al.* teach displaying a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive (see e.g. “patents> ... >Government agencies”, figure 4):

Art Unit: 2179

**FIG. 4**

It would have been obvious to one ordinary skill in the relevant field at the time the invention was made to display a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive, as taught by *Hoelzle et al.* because *Hoelzle et al.* specifically disclose the same breadcrumb trails disclosed by *Dovin et al.* and *Beier* including a number of buttons less than the number of network objects within the hierarchy between the root object and the displayed network object inclusive (see Figure 4, above).

Art Unit: 2179

As to dependent **claim 10**, this claim differs from claim 5 only in that it is directed to a product defined by the process of claim 5. Accordingly, this claim is rejected for the same reasons set forth in the treatment of claim 5, above.

RESPONSE TO ARGUMENTS

8. Applicant's Pre-Appeal Brief Request for Review persuasively argued that Beier lacked disclosure of the following limitation(s) "...displaying a number of buttons less than the number of network object, within the hierarchy between the root object and the displayed network object, inclusive..." However, upon further consideration, a new ground(s) of rejection is made in view of

- (1) *Dovin et al.* (US Pg-Pub 2003/0018665 A1) in view of *Milic-Frayling et al.* (US Pg-Pub 2005/0132018 A1) and *Beier (Oracle Browser Look and Feel (BLAF) Guidelines*; Last Updated: 06/25/02; Betsy Beier, Craig Louis; Spec Version, 3.1); and *Hoelzle et al.* (US ,7421,432 B1); and
- (2) *Dovin et al.* (US Pg-Pub 2003/0018665 A1) in view of *Beier (Oracle Browser Look and Feel (BLAF) Guidelines*; Last Updated: 06/25/02; Betsy Beier, Craig Louis; Spec Version, 3.1) *Hoelzle et al.* (US ,7421,432 B1).

CONCLUSION

9. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

Art Unit: 2179

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samir Termanini/
Examiner, Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179